

S.B.CRIMINAL MISC. PETITION NO.542/2007
(Satpal Singh V/s State of Rajasthan)

Date of order :: 18.04.2007

HON'BLE MR. KRISHAN KUMAR ACHARYA, J.

Mr.P.K.Sharma, for the petitioner.
Mr.Ashok Upadhyay, Public Prosecutor.

Issue notice. Mr.Upadhyay, accepts notice on behalf of the State

Heard the learned counsel for the petitioner as well as the learned Public Prosecutor. The petitioner submitted an application for releasing the tractor with trolley bearing No. RJ 13 1R 9092 before the Additional Chief Judicial Magistrate, Raisinghnagar, Distt.Sri Ganganagar. The learned Magistrate has released the vehicle in question on Supardginama of Rs.70,000/- but has also asked to furnish Bank Guarantee of Rs.70,000/-.

Learned counsel for the petitioner states that no forest offence has been committed by the petitioner. He was also having valid transit permit. The condition of asking bank

guarantee of Rs.70,000/- is quite onerous and unjustified, therefore, the same may be quashed or reduced.

Learned Public prosecutor has supported the order passed by learned Magistrate and stated that learned Magistrate after perusing the judgment of Hon'ble Supreme Court and looking to the facts and circumstances of the case has rightly asked for bank guarantee for releasing the vehicle in question, therefore, it may not be interfered.

I have gone through the order 24.1.2007 passed by learned Magistrate as well as order of revisional court. Looking to all the facts and circumstances of the case, I am of the view that the condition of furnishing Bank guarantee of Rs.70,000/- appears to be onerous, therefore, it is reduced to Rs.10,000/-. However, the petitioner shall also furnish solvent surety of Rs. 70,000/- instead of furnishing bank guarantee of Rs.70,000/- to the satisfaction of the learned Additional Chief Judicial Magistrate, Raisinghnagar. The vehicle in question shall be released on furnishing the solvent surety on the same terms and conditions which were imposed by learned Magistrate.

With the aforesaid modifications, this misc. petition
is disposed of.

(KRISHAN KUMAR ACHARYA), J.

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